

SENATE BILL 3073

By Fowler

AN ACT to establish advance notice procedures relative to the adoption contact veto registry and to amend Tennessee Code Annotated, Title 36, Chapter 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding the following as a new part to be appropriately designated:

Section 1. The object of this part is to establish an advance notice system to enable the release of personal information under the act to be delayed for a fixed period to give the person requesting the delay the opportunity to prepare for the release and any impact this might have on the person or the person's family or associates.

Section 2. In this part,

(1) "Advance notice period" means:

(A) the period after an application for personal information relating to a person is made (not being greater than three (3) months) prescribed by the regulations for the purposes of this paragraph, or

(B) if the department of children's services so directs in relation to a particular advance notice request, such longer period (not being greater than the period, if any, prescribed by the regulations) after an application for personal information relating to a person is made as is specified by the department.

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(2) "Department" means the department of children's services.

(3) "Designated contact address" means the address entered on the Advance Notice Register under Section 5(b)(2) of this act.

(4) "Personal information relating to a person" means:

(A) the person's original birth certificate or amended birth certificate, or

(B) prescribed information relating to the person, or

(C) any information as may be required by regulation by the department.

Section 3. A person is entitled to file a request to be given advance notice before personal information relating to such person is given to another person if the person seeking to file the request is:

(1) a birth parent, or

(2) an adoptive parent.

Section 4.

(a) A person entitled to file an advance notice request may do so by advising the department in writing that he or she wishes to be notified if a particular person or a person within a class of persons entitled to receive the personal information pursuant to this act makes a request for personal information relating to the person filing the advance notice request.

(b) The notification is to be in a form approved by the department.

(c) An advance notice request is not duly filed unless the person provides the department with proof to the satisfaction of the department of his or her identity.

(4) A person filing an advance notice request may also leave a message for a person concerned in or affected by an adoption with the department for placement on the Contact Veto Registry.

Section 5.

(a) The department shall establish and maintain an Advance Notice Register and the information contained therein shall be confidential.

(b) There is to be entered in the Advance Notice Register:

(1) the name of each person who has duly filed an advance notice request, and

(2) the address nominated by the person as the address at which any personal or postal contact by the department with the person should be made, and

(3) the date and place of birth of the person, and

(4) the persons or class of persons affected by the request, and

(5) the advance notice period.

(c) The department shall advise the relevant primary information source of each entry made in the Advance Notice Register.

(d) A person whose name is entered in the Advance Notice Register shall advise the department of any change in his or her designated contact address.

Section 6. The primary information source shall delay the supply of personal information affected by an advance notice registration until the expiration of the advance notice period unless the registration is waived or cancelled under Section 7. The primary information source shall also advise the requester of the personal information that it will not be supplied until the expiration of the advance notice period and of the reasons for the delay.

Section 7.

An advance notice registration expires:

- (a) on expiration of the advance notice period, or
- (b) if the person who filed the request for registration cancels it by notification in writing to the department, or
- (c) if the person who filed the request dies, or
- (d) if the person who filed the request fails to notify the department in writing of any change in his or her designated contact address, whichever occurs first.

SECTION 2. The department is authorized to promulgate necessary rules and regulations to facilitate the implementation of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect on June 1, 1998, the public welfare requiring it.